

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

POLYMER80, INC.,

Plaintiff,

v.

MERRICK GARLAND, in his official capacity as Attorney General of the United States; UNITED STATES DEPARTMENT OF JUSTICE; STEVEN DETTELBACH, in his official capacity as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,

Defendants.

Case No. 4:23-cv-00029-O

DEFENDANTS' MOTION TO DISMISS COMPLAINT FOR IMPROPER VENUE OR, IN THE ALTERNATIVE, TO TRANSFER VENUE

Pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1404(a), Defendants Merrick Garland, in his official capacity as Attorney General; United States Department of Justice; Steven Dettelbach, in his official capacity as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and Bureau of Alcohol, Tobacco, Firearms, and Explosives hereby move to dismiss Plaintiff Polymer80, Inc.'s Complaint for improper venue, or alternatively, to transfer the case to the District of Nevada. The reasons for this motion are stated more fully in the accompanying memorandum in support.

DATED: March 7, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

LESLEY FARBY
Assistant Director, Federal Programs Branch

/s/ Jeremy S.B. Newman

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CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule 7.1, I certify that counsel for Plaintiff (Jay Porter) and counsel for Defendants (Jeremy S.B. Newman and Daniel Riess) held a telephone conference on this motion on March 7, 2023. The motion is opposed. Despite good faith discussion, the parties were unable to come to agreement, as counsel for Plaintiff indicated that Plaintiff would oppose all relief sought in the motion.

/s/ Jeremy S.B. Newman

CERTIFICATE OF SERVICE

On March 7, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jeremy S.B. Newman